

Image AF/2878

JAN 29 2004

TRANSMITTAL LETTER  
(General - Patent Pending)

Docket No.

4629

Re Application Of: Carroll et al.

Serial No.

09/782,089

Filing Date

February 12, 2001

Examiner

Daniel St Cyr

Group Art Unit

2878

Title: Automated Reactor Endpointing of Platy Interference Effect Pigments

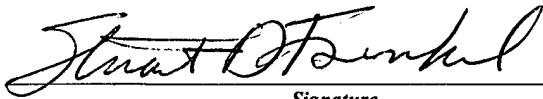
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Resubmitted appeal brief (in triplicate), Response to Notification of Non-Compliance, copy of Notification of Non-Compliance

in the above identified application.

- No additional fee is required.
- A check in the amount of \_\_\_\_\_ is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 502156 as described below. A duplicate copy of this sheet is enclosed.
  - Charge the amount of \_\_\_\_\_
  - Credit any overpayment.
  - Charge any additional fee required.



Signature

Dated: January 28, 2004

Law Office of Stuart D. Frenkel, P.C.  
3975 University Drive  
Suite 330  
Fairfax, Virginia 22030  
Telephone: (703) 246-9641  
Facsimile: (703) 246-9646

I certify that this document and fee is being deposited on January 28, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.



Signature of Person Mailing Correspondence

CC:

Stuart D. Frenkel

Typed or Printed Name of Person Mailing Correspondence



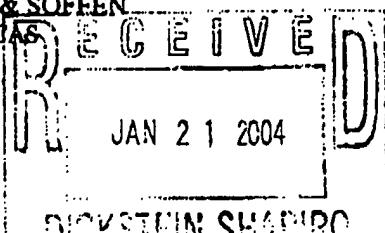
# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,089	02/12/2001	James B. Carroll JR.	P/12-816 4629	9721

2352 7590 01/12/2004

OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403



DATE MAILED: 01/12/2004 RECEIVED

docketed  
2/12/04 JAN 28 2004

LAW OFFICE

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

JAN 26 2004

PATENT DEPARTMENT

DSMO FILE NO. E0012.08/6  
DUE: Transfer to  
C/L: Client  
ENTERED BY: Sian  
ATTY: EAM

OFGS FILE NO.	P/12-816
	Transferred to
	DSMO
PATENTS ORDERED	ALL

Docketed 1/27/04 by DF  
Response due 2/12/04  
Non-Complaint Appeal Brief  
Attorney M.L.B.

OSTROLENK, FABER,  
GERB & SOFFEN

JAN 15 2004

RECEIVED

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/782,089

Applicant(s)

CARROLL ET AL

Examiner

Daniel St.Cyr

Art Unit

2876

*--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

The Appeal Brief filed on 17 October 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the mailing date of this Notification, whichever is longer; (2) TWO MONTHS from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.

1.  The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2.  The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3.  At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4.  The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5.  The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6.  A single ground of rejection has been applied to two or more claims in this application, and
  - (a)  the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b)  the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7.  The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8.  The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9.  Other (including any explanation in support of the above items):

*It is not clear as to how many groups of claims exist in the grouping of the claims. There is no copy of the claims involved in the appeal.*

  
Daniel St.Cyr  
Primary Examiner  
Art Unit 2876



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Carroll et al.	Group Art Unit: 2878
Serial No.: 09/782,089	Examiner: Daniel St Cyr
Filed: February 12, 2001	
Title: <i>Automated Reactor Endpoint of Platy Interference Effect Pigment</i>	Atty. Docket No.: 4629

**RESPONSE TO NOTIFICATION OF NON-COMPLIANCE**

Commissioner of Patents  
and Trademarks  
PO Box 1450  
Alexandria, VA 22313-1450

With respect to the Notification of Non-Compliance mailed January 12, 2004, applicants present herein a replacement Appeal Brief.

With respect to paragraph 6 of the Notification, the grouping of claims has now been restated. Accordingly, 8 groups of claims have now been set forth as being separately patentable.

With respect to paragraph 7 that the brief does not contain an argument under a separate heading for each issue of appeal, appellants respectfully disagree. The Examiner will kindly note that the argument relative to the first issue on appeal starts and is set out at the bottom of page 5 of the Appeal Brief, whereas the second argument

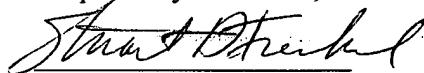
for the second issue on appeal begins at the middle of page 8 of the Appeal Brief. In a telephone conversation held between the undersigned attorney and Examiner St. Cyr on January 28, 2004, the Examiner agreed that the argument was properly separated.

With respect to paragraph 8, that the brief did not contain a correct copy of the appealed claims, appellants are resending pages 11 and 12 of the Appeal Brief, which originally set forth the claims on appeal. Page 11 has been re-headed as "Appendix of Claims."

With respect to paragraph 9, it is believed that the rewriting of the grouping of claims has corrected the problem.

Jan 28, 2004  
Date

Respectfully submitted,



Stuart D. Frenkel  
Reg. No. 29,500

Law Office of Stuart D. Frenkel, P.C.  
3975 University Drive, Suite 330  
Fairfax, VA 22030  
Telephone (703) 246-9641  
Facsimile (703) 246-9646